S.B.Civil Misc.Appeal N0.409/92
New India Assurance Co.
vs.
Smt. Parmeshwari & anr.

Date of Order: 1.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. R.Chouhan for the appellant.
Mr. J.Gehlot for the respondents.

Heard learned counsel for the parties.

The grievance of the Insurance Company against the award of the learned Workmen Compensation Commissioner, Sri Ganganagar dated 27.7.1992 is only to the extent that the authority below has held the appellant Insurance Company liable to pay the penalty amount along with the compensation amount which has been awarded by the learned Workmen Compensation Commissioner to the claimant wife of the deceased employee who died in accident while in service.

The controversy raised in this appeal stands decided by Hon'ble the Apex Court and followed by this Court in various judgments wherein it has been held that the Insurance Company is not liable to pay the penalty amount to the claimant.

In view of the above, the appeal is allowed in part. It is held that the Insurance Company shall not be liable to pay the penalty amount. In case the penalty amount has been paid to the claimant, the appellant

Insurance Company shall be entitled to recover the said amount from the employer.

(**PRAKASH TATIA),J.**

mlt.